

**ASSEMBLY BILL**

**No. 312**

**Introduced by Assembly Member Spitzer**

February 7, 2003

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An act to amend Section 933 of the Penal Code, relating to grand juries.

LEGISLATIVE COUNSEL'S DIGEST

AB 312, as introduced, Spitzer. Grand juries: final reports.

Existing law requires each grand jury, no later than the end of each fiscal or calendar year, to submit to the presiding judge of the superior court a final report of its findings and recommendations that pertain to county government matters. Existing law requires the grand jury foreperson and his or her designees to be available during the 45-day period following the expiration of the term to clarify the recommendations of the grand jury's report. Existing law requires public agencies that are the subjects of a grand jury report to comment on the report's findings and recommendations, within specified periods not exceeding 90 days.

This bill would specify that a public agency need not comment on a grand jury's final report unless all of the relevant documents and written materials upon which the grand jury relied in making the findings and recommendations in its final report on that agency are released to the agency.

This bill would also provide that, for 120 days after the close of the term of a grand jury, its members shall, upon reasonable notice, be available to acknowledge the receipt of, and to review and comment upon public agency comments on the grand jury's final report.

By providing for additional obligations for grand jurors who receive compensation and mileage from counties, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 933 of the Penal Code is amended to  
2 read:

3 933. (a) Each grand jury shall submit to the presiding judge  
4 of the superior court a final report of its findings and  
5 recommendations that pertain to county government matters  
6 during the fiscal or calendar year. Final reports on any appropriate  
7 subject may be submitted to the presiding judge of the superior  
8 court at any time during the term of service of a grand jury. A final  
9 report may be submitted for comment to responsible officers,  
10 agencies, or departments, including the county board of  
11 supervisors, when applicable, upon finding of the presiding judge  
12 that the report is in compliance with this title. For 45 days after the  
13 end of the term, the foreperson and his or her designees shall, upon  
14 reasonable notice, be available to clarify the recommendations of  
15 the report.

16 (b) One copy of each final report, together with the responses  
17 thereto, found to be in compliance with this title shall be placed on  
18 file with the clerk of the court and remain on file in the office of  
19 the clerk. The clerk shall immediately forward a true copy of the  
20 report and the responses to the State Archivist who shall retain that  
21 report and all responses in perpetuity.



1 (c) No later than 90 days after the grand jury submits a final  
2 report on the operations of any public agency subject to its  
3 reviewing authority, the governing body of the public agency shall  
4 comment to the presiding judge of the superior court on the  
5 findings and recommendations pertaining to matters under the  
6 control of the governing body, and every elected county officer or  
7 agency head for which the grand jury has responsibility pursuant  
8 to Section 914.1 shall comment within 60 days to the presiding  
9 judge of the superior court, with an information copy sent to the  
10 board of supervisors, on the findings and recommendations  
11 pertaining to matters under the control of that county officer or  
12 agency head and any agency or agencies which that officer or  
13 agency head supervises or controls. In any city and county, the  
14 mayor shall also comment on the findings and recommendations.  
15 All of these comments and reports shall forthwith be submitted to  
16 the presiding judge of the superior court who impaneled the grand  
17 jury. A copy of all responses to grand jury reports shall be placed  
18 on file with the clerk of the public agency and the office of the  
19 county clerk, or the mayor when applicable, and shall remain on  
20 file in those offices. One copy shall be placed on file with the  
21 applicable grand jury final report by, and in the control of the  
22 currently impaneled grand jury, where it shall be maintained for  
23 a minimum of five years.

24 (d) *Comments otherwise required of a particular public agency*  
25 *by subdivision (c) concerning a grand jury's final report shall not*  
26 *be required unless all of the relevant documents and written*  
27 *materials upon which the grand jury based the findings and*  
28 *recommendations in its final report on that agency are released to*  
29 *the agency.*

30 (e) *Notwithstanding any other provision pertaining to the term*  
31 *of a grand jury, for 120 days after the close of the term of a grand*  
32 *jury, its members shall, upon reasonable notice, be available to*  
33 *acknowledge the receipt of, and to review and comment upon, the*  
34 *public agency responses provided for in this section.*

35 (f) As used in this section "agency" includes a department.

36 SEC. 2. Notwithstanding Section 17610 of the Government  
37 Code, if the Commission on State Mandates determines that this  
38 act contains costs mandated by the state, reimbursement to local  
39 agencies and school districts for those costs shall be made pursuant  
40 to Part 7 (commencing with Section 17500) of Division 4 of Title

1 2 of the Government Code. If the statewide cost of the claim for  
2 reimbursement does not exceed one million dollars (\$1,000,000),  
3 reimbursement shall be made from the State Mandates Claims  
4 Fund.

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